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PTO/SB/68 (03-09)

Approved for use through 03/31/2012 OMB 0551-0018  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

JUL 16 2010

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

07/13/2010 DALLEN 00000019 6940074

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2130.00 OP

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6940074

Application Number 10786229

Issue Date 09/06/2005

Filing Date 02/26/2004

**CAUTION:** Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent

☐

Is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_

original application number \_\_\_\_\_

original filing date \_\_\_\_\_

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_

filed on \_\_\_\_\_

**CERTIFICATE OF MAILING (37 CFR 1.89(a))**

I hereby certify that this paper (\*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

6/16/2010

Date

  
Signature

Frank Hartley

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0851-0016

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity                  |             |        | Small Entity                               |             |        |
|-----------------------------------|-------------|--------|--|-------------|--------|
| Amount                            | Fee         | (Code) | Amount                                     | Fee         | (Code) |
| <input type="checkbox"/> \$ _____ | 3 ½ yr fee  | (1551) | <input checked="" type="checkbox"/> \$ 490 | 3 ½ yr fee  | (2551) |
| <input type="checkbox"/> \$ _____ | 7 ½ yr fee  | (1552) | <input type="checkbox"/> \$ _____          | 7 ½ yr fee  | (2552) |
| <input type="checkbox"/> \$ _____ | 11 ½ yr fee | (1553) | <input type="checkbox"/> \$ _____          | 11 ½ yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$ 490

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1640

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2130

☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. \_\_\_\_\_

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7. OVERPAYMENT

As to any overpayment made please

OR ☐ Credit to Deposit Account No. \_\_\_\_\_

☒ Send refund check

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WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

Frank Hartley  
Signature(s) of Petitioner(s)

6/16/2010

Date

Frank Hartley

Typed or printed name(s)

Registration Number, if applicable

626 447 2404

Telephone Number

529 E. Las Flores Ave., Arcadia, CA. 91006

Address

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

☒ Maintenance Fee Payment

☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐

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|   |   |                 |   |                     |            |
|---|---|-----------------|---|---------------------|------------|
| Patent Bibliographic Data   |   |                 |   | 06/15/2010 07:24 PM |            |
| Patent Number:  | 6940074   |                 | Application Number:   | 10786229            |            |
| Issue Date:   | 09/06/2005  |                 | Filing Date:  | 02/26/2004          |            |
| Title:  | DEVICES INCORPORATING SOFT IONIZATION MEMBRANE                  |                 |   |                     |            |
| Status:   | Expired for non-payment on: 09/06/2009                          |                 |   | Entity:             | Small      |
| Window Opens:   | 09/06/2008  | Surcharge Date: | 03/07/2009  | Expiration:         | 09/06/2009 |
| Fee Amt Due:  | \$0.00  | Surchg Amt Due: | \$0.00  | Total Amt Due:      | \$0.00     |
| Fee Code:   |   |                 |   |                     |            |
| Surcharge Fee Code:   |   |                 |   |                     |            |
| Most recent events (up to 7):   | 09/06/2009<br>03/16/2009  |                 | Patent Expired for Failure to Pay Maintenance Fees.<br>Maintenance Fee Reminder Mailed.<br>--- End of Maintenance History --- |                     |            |
| Address for fee purposes:   | Frank Hartley<br>529 E. Las Flores Ave.<br>Arcadia, CA<br>91006 |                 |   |                     |            |
| NOTE: All USPTO fees are subject to change. If you are making a payment by mail or fax, please visit this <a href="#">link</a> or contact the Maintenance Fee Branch (571-272-6500) to confirm the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8. |   |                 |   |                     |            |

This patent can be reinstated by paying the \$490 maintenance fee and an additional late surcharge fee of \$1640.

The PDF attachment is filled out form for paying necessary fees on this patent.

If you print out this file and include a check they can both be mailed (address on form) to USPTO.

If you have any queries or problems give me a call.

Thanks,

-Frank.

7/2/2010